

REMARKS

The specification has been amended to delete the statement in the background of the disclosure that the β -glucosidase employed in the Allen publication referred to in paragraph [12] (*i.e.*, Allen & Mortensen, 1981, Biotechnol. Bioeng. 23:2641-45; "Allen 1981") was purified. This amendment is being made in view of the opinion of the examiner of the European counterpart of this application that the β -glucosidase employed was unpurified.

In the European Examiner's opinion, Allen 1981 (referred to in the European prosecution as "D2") cites to an earlier publication by Allen and Sternberg, 1980, Biotech. & Bioeng. Symp. 10:189-97 ("Allen 1980"; referred to in the European prosecution as "D6") for its method of preparation of *Aspergillus phoenicis* β -glucosidase, and in Allen 1980, the β -glucosidase was not purified:

Newly cited document D6 discloses the method for preparing the β -glucosidase used in D2. D2 refers to D6 for said method. The β -glucosidase in D6 is not a purified enzyme but rather a crude preparation. D6 does not disclose any purification step, it rather suggests to use a crude preparation "The simplest way to do this would be to use the whole *Aspergillus* culture (mycelium + medium) at an appropriate dilution with cellulase" (page 196). Said method is

See Office Action dated January 23, 2009 in connection with European Patent Application No. 03796327.9, item 3.2 at page 3. Applicants disagree with the European examiner, noting that the high β -glucosidase concentration in Allen 1981 (200 IU/ml, see "Materials and Procedures section on page 2641) indicates that the enzyme has been purified as compared to the "crude preparation" of Allen 1980 (where Table 1 on page 191 shows a maximum titer of 18.5 units/ml). Nonetheless, in the abundance of caution, the specification is being amended herein to remove reference to the purification of β -glucosidase in Allen 1981.

The European Office Actions, Allen 1980, and other publications of which Applicants became aware during European prosecution are being submitted concurrently herewith by way of an information disclosure statement. It is requested that the Examiner review and initial the information disclosure statement.

In addition to the amendments to the specification, claims 15, 19, 21 and 22 are amended herein to correct minor editorial errors, including the erroneous dependency of claims 21 and 22 from a canceled claim.

No new matter is added by virtue of the amendments made herein.

Conclusion

Applicants believe that the pending claims are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 846-7614.

Respectfully submitted,

Date: September 17, 2009

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